

Notes
Southeast Oregon Resource Advisory Council Meeting
Tuesday-Wednesday, Feb. 28-March 1, 2023
BLM Burns District Office, 28910 US-20, Hines, OR 97738

Attendance:

RAC members Ken Poole, Tom O’Leary (Zoom), Mark Doverspike, Tim Davis, Michael O’Casey, Mary Jo Hedrick, Stan Shepardson, Thom Batty, Phil Milburn.

Agency representatives: Designated Federal Official Wayne Monger, Vale BLM; Lakeview Deputy District Manager Angela Bulla; Burns District Manager Jeff Rose; Andrews Field Manager Don Rotell.

Agency staff: Larisa Bogardus, Vale PAO/RAC coordinator

Public: Kathleen Cathey, field representative for Sen. Ron Wyden; Topper Schlupe; Anne White, ONDA; Kristen Shelman; Steven Mitchell, Malheur Enterprise; Joe Tague; Jeff Schmidt, Calamity Butte Outfitters; Jourdan Fildes; Bob Timmer, Archaeology Society of Central Oregon

Minutes: Notes from the October 2022 meeting were approved with corrections.

Election of chair and vice-chair: A motion to elect Stan Shepardson chair and Ken Poole vice-chair was passed unanimously.

Designated Federal Official Report/District Updates

Burns District (attached): District Manager Jeff Rose reported the final decision on the Alvord Allotment Management Plan/Environmental Assessment (EA) was signed Feb. 17.

The EA was originally signed in March 2022, but was pulled back to address comments regarding wild horse and burro management direction in the Southeastern Oregon Resource Management Plan and incorporate that direction into the EA. The RMP directs the district to adjust herd Appropriate Management Levels (AML) for wild horses if Animal Unit Months (AUM) for domestic livestock are increased.

The proposed decision also authorizes the reinstatement of suspended AUMs under specific circumstances; and the construction and maintenance of several range improvements including new wells and troughs, maintenance of existing pipelines, relocation of a pasture boundary fence, road construction and abandonment, and fence relocation.

This spring, the district will implement new fees (increase from \$8/night to \$16/night) when the water is turned on at five campgrounds as recommended by the RAC last fall.

A segment of Pine Creek Road on the east side of the Steens Mountain has been closed to motorized vehicles in order to protect natural resources and public safety. The temporary closure is good for up to two years, or until the field office issues a decision to build a parking area and trailhead.

Burns District has been actively working to address juniper encroachment and invasive annual grasses on the Stinkingwater Mountains over the last 10 years. In coordination with High Desert Partnership and a number private, federal, state and county partners, the district completed 60,000 acres of invasive annual grass treatment on public lands in the implementation of the Southeast Oregon Wildfire Resiliency (SOWR) project. State funding was used to treat 20,300 acres of public lands and an additional 28,000 acres on adjacent private lands.

The district currently has 27 vacancies out of 92 permanent positions (29%). Ten of the 27 vacancies are partway through the hiring process up to tentative offers.

Lakeview District (attached): Acting District Manager Angela Bulla reported the Draft Lakeview Resource Management Plan Amendment is being reviewed by the state office prior to requesting an HQ briefing. The amendment contains 6 alternatives that focus on addressing provisions for a 2010 Settlement Agreement including the management of lands with wilderness characteristics, off highway vehicle use and grazing permit relinquishment.

A right-of-way grant was issued to allow the Zayo group to bury fiber optic conduits along existing roads and highways in south-central Oregon. A notice to proceed has been issued for Oregon.

Lakeview Field Office has determined an application to develop a 5000 acre solar project on BLM land in the Fort Rock area south of Cougar Mountain is complete, paving way for the NEPA process to begin.

Would this fall under the Programmatic Utility Solar EIS? Answer: It depends on when that EIS is enacted.

Lakeview Field Office is continuing juniper treatments in the North Warner and Loveless Creek Project areas to restore habitat for multiple species including Sage-grouse and mule deer. Plans are in place to broadcast burn the Warner Wetlands this winter to improve waterfowl and migratory bird habitat.

Vale District (attached): District Manager Wayne Monger reported Malheur Field Office staff are completing annual reports for sage-grouse Priority Areas of Concern that have tripped triggers.

Traffic counters have been deployed in the McDermitt area in October to evaluate changes in traffic volume due to lithium exploration.

The Grassy Mountain Plan of Operations was marked complete by the BLM on Nov. 23, 2022. MFO is waiting for DOGAMI to mark their submission complete before moving forward with the NEPA process.

HiTech/Jindalee submitted a plan of operations for a large lithium exploration project in the McDermitt, Nev., area. Feedback was provided to HiTech in September 2022, and the company plans to re-submit their updated plan of operations sometime in the new year.

A short discussion of high vacancy rates and hiring followed, with all three districts acknowledging challenges – particularly a lack affordable and short-term housing.

Presentation: Steens Mountain Travel Management Plan (PPT attached)

Andrews/Steens Field Manager Don Rotell briefed the RAC on the development of an access travel management plan for the Steens Mountain Cooperative Management and Protection Area.

The Steens Act specifically prohibits use of motorized vehicles off-road, but also allows “reasonable access for reasonable use” to be defined by a travel management plan.

In 2019, legal challenges resulted in the 9th District Court vacating two previous proposed plans and directing the agency to begin again. An interim agreement with the plaintiff (Oregon Natural Desert Association) limits motorized travel and roadway maintenance on specified routes until the area is re-inventoried and a new plan is adopted.

Although the Steens CMPA is within the Southeast Oregon RAC, it is served by the Steens Mountain Advisory Council, which has been very involved in the planning process and will make a recommendation on the final proposal.

Is seasonal access an option? Answer: At this point all possibilities are being considered for the range of alternatives.

Presentation: Travel Management 101(PPT attached)

Chris Knauf, ORWA BLM Travel Management Lead (PPT attached) outlined the travel management planning process.

43 CFR 8340 directs land management agencies to regulate motorized travel, including off-highway vehicle travel, with some specific exceptions such as emergency responses. Although routes and trails are generally addressed in a Resource Management Plan, it lacks the level of detail needed for implementation.

Like all land management activities, travel management planning must go through through the environmental review process set forth in the National Environmental Protection Act.

Provisions in other planning documents must be factored in as well, such as the 2015 Sage-grouse Resource Management Plan, which closed and/or limited access in some areas.

“The public feels they’ve lost access when an open road is reduced to limited,” he said. “Any time you’re talking about someone’s access to a place they hold dear” there are strong feelings. As a result, the BLM has some best practices, including extensive outreach and longer comment periods.

To avoid closing routes altogether, a plan can minimize impacts by limiting the degree or magnitude of an activity. It’s also important for travel management plans to be as detailed as possible to ensure clear understanding by users.

Hedrick asked for clarification of roads, trails and routes. The term road typically refers to motorized use. A trail may be designated for use by pedestrians, cyclists, equestrians and/or Off-Highway Vehicles. A route is an all-encompassing term that is avoided in travel management planning.

Hedrick asked about the Oregon Desert Trail. The Oregon Desert Trail is a route created by Oregon Natural Desert Association. Although it crosses areas that are open to the public, it is not designated or maintained by the BLM. Only Congress or the Secretary of the Interior can formally designate a trail. The agency does maintain the High Desert National Recreation Trail extends from the Owyhee River to Bend.

Anne White of ONDA said her organization stewards the Oregon Desert Trail and emphasizes staying on routes, responsible recreation, and respecting fences and gates.

Update: Southeastern Oregon Resource Management Plan Amendment

Vale District Lead Planner Brent Grasty

The final Southeastern Oregon RMPA Environmental Impact Statement is being reviewed at the national level and is expected to be published later this spring. The focused amendment addresses the management of lands with wilderness characteristics, off-highway vehicle access and guidelines for grazing permit relinquishment.

As part of a settlement agreement with environmental groups, the Southeast Oregon RAC was very engaged in the development of criteria for management of lands with wilderness characteristics.

Members of the public submitted approximately 4,000 comments regarding the draft EIS which were addressed in the development of the final EIS.

RAC members will be notified when the final document is released.

Update: Lakeview Resource Management Plan Amendment

Acting Lakeview DM Angela Bulla

The Lakeview amendment is also a focused amendment addresses the management of lands with wilderness characteristics, off-highway vehicle access and grazing, and the RAC was similarly engaged in the development of criteria for management of lands with wilderness characteristics.

The planning team is working with the state office to finalize the draft Environmental Impact Statement and hopes to brief headquarters in June. The RAC will be notified when the draft is released for comment and will have an opportunity to comment as individuals or as a group.

Briefing: National Historic Oregon Trail Interpretive Center

Project Manager Sarah Sherman

The National Historic Oregon Trail Interpretive Center was closed to the public during the COVID pandemic and has remained closed since 2022 as it undergoes a complete retrofit, including replacement of roofing, siding, insulation, windows, doors and the heating, ventilation and air conditioning system.

Construction is expected to finish this summer, after which NHOTIC staff will have to unpack and reposition artifacts and exhibits that were stored during the renovation, repair or replace any damaged items.

Staff are currently working on ways to incorporate digital wayfinding into the visitor experience. A new Native American exhibit is also planned, with input from the Confederated Tribes of the Umatilla Indian Reservation and Duck Valley Shoshone Paiute Tribe.

General information

OR/WA BLM Programmatic Aquatic Restoration EA – Monger reported the state office is developing a programmatic environmental analysis to guide aquatic and riparian habitat restoration activities east of the Cascades. The goal is to accelerate the pace and scale of these projects. The alternatives will address impacts of climate change; water quality impairments; and impacts to sensitive, threatened and endangered species. Although this provides a foundation, projects would still require some level of environmental analysis at the district level before implementation. Public comments will be accepted through March 23.

Oregon Cattlemen’s Conference – Rose reported the BLM is proposing revisions to the current grazing rule to clarify and modernize the rule, add flexibility for resource management, improve land-use planning, and streamline business practices.

The Proposed Rule, Draft Environmental Impact Statement (EIS), and all associated public information are anticipated to be released as early as Summer 2023. A Notice of Availability and Notice of Proposed Rulemaking will be published in the Federal Register at that time and will be relayed to the RAC.

Oregon BLM manages approximately 1300 grazing permits and 700 leases on 14 million acres, bringing in \$750,000 per year in fees and lease payments. That money comes back to the districts to offset administrative costs and improvement projects such as wells, fences and seeding.

Washington-level talks are taking place to update grazing regulations, which have not changed since 2006, to allow more flexibility and partnerships between managers and permittees. A draft is expected to be released for comment this summer.

Additional updates are also being made to the 2015 Sage-grouse RMP, which was challenged in 2019. In late 2022, Oregon-Washington BLM was ordered by the courts to make Key Natural Resource Areas (RNAs) unavailable to grazing as set forth in the 2015 Oregon Approved Greater Sage-Grouse Resource Management Plan Amendment.

The amendment process is important to the districts because other activities – such as the key RNAs the districts are now directed to implement – are still moving forward. Vale, Burns and Lakeview districts are all working with their permittees whose pastures are affected.

Stan Shepardson asked if RNAs can be changed. Answer: They are designated through the Resource Management Plan process. Hedrick asked if the RAC would be able to comment on these actions, or the Programmatic Environmental Impact Statement for Utility-scale Solar Energy Planning. Answer: RAC members are always welcome to submit comments as members of the public. For a RAC to comment, there must be a quorum and consensus. Michael O’Casey said he would like to explore how to comment on regional and national analyses as a RAC.

Break for Public Comment and Response: Bob Timmer of the Archaeology Society of Central Oregon asked how cultural sites will be protected during Lakeview’s large-scale juniper removal

projects in sage-grouse habitat. Was there an EA or other NEPA? Was there a public comment period? Bulla said she would gather information and answer his question outside the meeting.

Amelia Perrin of the American Wild Horse Campaign read a statement (attached) encouraging the RAC to support reforms in the Wild Horse and Burro adoption program and more support for reversible fertility control.

Return to discussion of RAC participation in NEPA: Rose explained scoping is important because it's an opportunity for the public to tell the BLM what they like or don't like and why, how a proposal impacts the landscape and suggest other options. If a topic is really important to the RAC, they should start working with the districts at the ground level rather than address national policy. Monger noted that feedback from the RAC as a whole doesn't just represent the feelings of RAC members, but also the feelings of the groups they represent.

O'Casey asked how Programmatic Environmental Impact Statements (PEIS) work with pending Resource Management Plan Amendments. Answer: It depends on what stage of the process an already-begun management plan is in when a programmatic EIS is signed. A district can decide to continue with their current plan or stop and wait to incorporate the guidance of the PEIS. While a PEIS can make the process easier, the local analysis is the real nuts and bolts.

Meeting adjourned for the day.

Wednesday, March 1

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Agency representatives: Designated Federal Official Wayne Monger, Vale BLM; Lakeview Deputy District Manager Angela Bulla; Burns District Manager Jeff Rose

Agency staff: Larisa Bogardus, Vale PAO/RAC coordinator

Public: Kathleen Cathey, field representative for Sen. Ron Wyden; Anne White, ONDA; Kristen Shelman; Joe Tague; Jeff Schmidt, Calamity Butte Outfitters; Bob Timmer, Archaeology Society of Central Oregon; Amelia Perrin, American Wild Horse Campaign

Wild Horse and Burro program updates

Lakeview WHB Specialist Blair Street presented a PowerPoint (attached) via Zoom. In addition to three Herd Management Areas (HMAs) – Beaty Butte, Paisley Desert and Pokegama.

The Beaty Butte Gather, Fertility Control and Training Program is a holistic approach to maintaining the HMA's Appropriate Management Level (AML) to improve Sage-grouse habitat and rangeland for wildlife, horses and cattle.

The training center saddle starts horses gathered from the Beaty Butte Herd Management Area for adoption. Since it opened in 2016, it has started 58 horses; halter trained 8; and supplied 5 to Border Patrol (7 more requested).

A 2022 census of the Beaty Butte herd counted 463 horses. AMP for the HMA is 100-250. Bait-trapping and application of fertility control inhibitors to will begin this year.

RAC member Ken Poole asked why the district is only trapping down to AML, when foaling will push the population over AML each season. Gathers of more than 50 horses must be contracted and are funded by the national office, which cannot fund all the gathers needed in any given year, Street explained.

Vale WHB Specialist Shaney Rockefeller and representatives of High Desert Strategies, a 501(c)3 non-profit shared a PowerPoint (attached) outlining the district's fertility control darting program. The most important part of a successful darting program is the pre-work – tracking, recording, documenting and photographing each band, identifying the mares; then setting up blinds and waiting for bands to come in for water, distinguishing the mares that need to be darted from those that don't among 120 horses at a watering hole, then successfully injecting the fertility inhibitor.

Burns Corrals and HMAs

Time for Public Comment and Response Bob Timmer of the Archaeology Society of Central Oregon asked how cultural sites will be protected during Lakeview's large-scale juniper removal projects in sage-grouse habitat. Was there an EA or other NEPA? Was there a public comment period? Bulla said she would gather information and answer his question outside the meeting.

Amelia Perrin of the American Wild Horse Campaign read a statement (attached) encouraging the RAC to support reforms in the Wild Horse and Burro adoption program and more support for reversible fertility control.

Roundtable report outs from RAC members

Wrap-up

The next meeting will be held Oct. 17-18 in Lakeview.

Meeting adjourned.